

### **REMARKS**

Claims 1, 8, 15, 21, 22, and 23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 29, 30, 31, and 32 of U.S. Patent No. 6,956,835 B2. Included with this response is a Terminal Disclaimer to U.S. Patent No. 6,956,835 B2 and the requisite Terminal Disclaimer fee.

Claim 4 was objected to because of informalities. Claim 4 is amended herein to overcome this objection.

Claim 20 was rejected under 35 U.S.C. 112 for lack of antecedent basis. Claim 20 is amended herein to overcome this rejection.

Claims 1-15 and 17-24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7, 9, 10, 11, 13-28, 30, 31, 32, and 33 of copending Application No. 09/766,261. Applicants will not respond to this provisional rejection because Application No 09/766,261 is abandoned.

Claim 24 is allowed. Applicants thank the Examiner for this indication.

Claims 1, 2, 3, 8, 9, 10, 15, and 21-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki (U.S. Patent No. 6,628,633 B1) in view of Roobol et al. (U.S. Patent No. 6,307,867 B1 "Roobol"). Claims 6, 13, 19, and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki in view of Roobol and further in view of Ue et al. (U.S. Patent No. 6,597,894 B1). Claims 4, 11, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki in view of Roobol and further in view of Rydbeck et al. (U.S. Patent No. 6,332,006 B1 "Rydbeck"). Claims 5, 12, and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Mochizuki in view of Roobol and further in view of Kleider et al. (U.S. Patent No. 6,496,794 B1 "Kleider").

A telephonic interview was held with the Examiner. In this interview, the Examiner indicated that all rejected claims would be allowable over the cited art if amendments were made to regarding the explicit data rate indicator. Claims 1, 8, 15, 21, 22, and 23 are amended herein according to the Examiner's suggestions.

- 5 All claims are now allowable and a notice of allowance is courteously solicited. Please direct any questions or comments to the undersigned attorney.

Respectfully submitted,

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By: /Bruce E. Garlick, RN 36,520/  
Bruce E. Garlick, Reg. 36,520

**Garlick, Harrison & Markison, LLP**

P.O. Box 160727  
Austin, TX 78716-0727  
(512) 264-8816  
(512) 264-3735 fax